

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

08 CV 7593

ARISTA RECORDS LLC, a Delaware limited  
liability company; ATLANTIC RECORDING  
CORPORATION, a Delaware corporation; BMG  
MUSIC, a New York general partnership;  
CAPITOL RECORDS, LLC, a Delaware limited  
liability company; ELEKTRA  
ENTERTAINMENT GROUP INC., a Delaware  
corporation; FONOVisA, INC., a California  
corporation; INTERSCOPE RECORDS, a  
California general partnership; LAFACE  
RECORDS LLC, a Delaware limited liability  
company; LAVA RECORDS LLC, a Delaware  
limited liability company; MAVERICK  
RECORDING COMPANY, a California joint  
venture; MOTOWN RECORD COMPANY, L.P.,  
a California limited partnership; PRIORITY  
RECORDS LLC, a Delaware limited liability  
company; SONY BMG MUSIC  
ENTERTAINMENT, a Delaware general  
partnership; UMG RECORDINGS, INC., a  
Delaware corporation; VIRGIN RECORDS  
AMERICA, INC., a California corporation;  
WARNER BROS. RECORDS INC., a Delaware  
corporation; ZOMBA RECORDING LLC, a  
Delaware limited liability company; and EMI  
CHRISTIAN MUSIC GROUP INC., a California  
corporation,

Plaintiffs,

-against-

DOES 1 - 83,

Defendants.

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Civil Action No.:

**MOTION FOR LEAVE TO TAKE IMMEDIATE DISCOVERY**

Plaintiffs, through their undersigned counsel, pursuant to Federal Rules of Civil  
Procedure 26 and 45, the Declaration of Carlos Linares, and the authorities cited in the  
supporting Memorandum of Law, hereby move for an Order permitting Plaintiffs to take  
immediate discovery.

In support thereof, Plaintiffs represent as follows:

1. Plaintiffs, record companies who own the copyrights in the most popular sound recordings in the United States, seek leave of the Court to serve limited, immediate discovery on a third party Internet Service Provider ("ISP") to determine the true identities of Doe Defendants, who are being sued for direct copyright infringement.

2. As alleged in the complaint, the Doe Defendants, without authorization, used an online media distribution system to download Plaintiffs' copyrighted works and/or distribute copyrighted works to the public. Although Plaintiffs do not know the true names of the Doe Defendants, Plaintiffs have identified each Defendant by a unique Internet Protocol ("IP") address assigned to that Defendant on the date and time of that Defendant's infringing activity.

3. Plaintiffs intend to serve a Rule 45 subpoena on the ISP seeking documents that identify each Defendant's true name, current (and permanent) addresses and telephone numbers, e-mail addresses, and Media Access Control ("MAC") addresses. Without this information, Plaintiffs cannot identify the Doe Defendants or pursue their lawsuit to protect their copyrighted works from repeated infringement.

4. Good cause exists to allow Plaintiffs to conduct this limited discovery in advance of a Rule 26(f) conference where there are no known defendants with whom to confer.

WHEREFORE, Plaintiffs move for an Order permitting Plaintiffs to conduct the foregoing requested discovery immediately.

Dated: New York, New York  
August 28, 2008

By: 

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UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

ARISTA RECORDS LLC, a Delaware limited liability company; ATLANTIC RECORDING CORPORATION, a Delaware corporation; BMG MUSIC, a New York general partnership; CAPITOL RECORDS, LLC, a Delaware limited liability company; ELEKTRA ENTERTAINMENT GROUP INC., a Delaware corporation; FONOVisA, INC., a California corporation; INTERSCOPE RECORDS, a California general partnership; LAFACE RECORDS LLC, a Delaware limited liability company; LAVA RECORDS LLC, a Delaware limited liability company; MAVERICK RECORDING COMPANY, a California joint venture; MOTOWN RECORD COMPANY, L.P., a California limited partnership; PRIORITY RECORDS LLC, a Delaware limited liability company; SONY BMG MUSIC ENTERTAINMENT, a Delaware general partnership; UMG RECORDINGS, INC., a Delaware corporation; VIRGIN RECORDS AMERICA, INC., a California corporation; WARNER BROS. RECORDS INC., a Delaware corporation; ZOMBA RECORDING LLC, a Delaware limited liability company; and EMI CHRISTIAN MUSIC GROUP INC., a California corporation.

Plaintiffs,

-against-

DOES 1 - 83,

Defendants.

**[PROPOSED] ORDER GRANTING PLAINTIFFS' MOTION FOR LEAVE TO TAKE  
IMMEDIATE DISCOVERY**

Upon the Plaintiffs' Motion for Leave to Take Immediate Discovery, the Declaration of Carlos Linares, and the accompanying Memorandum of Law, it is hereby:

ORDERED that Plaintiffs may serve immediate discovery on Time Warner Cable to obtain the identity of each Doe Defendant by serving a Rule 45 subpoena that seeks

documents that identify each Doe Defendant, including the name, current (and permanent) addresses and telephone numbers, e-mail addresses, and Media Access Control addresses for each Defendant. The subpoena may also seek all document sand electronically-stored information related to the assignment of any IP address which Time Warner cannot link to a specific Doe Defendant. The disclosure of this information is consistent with Time Warner Cable's obligations under 47 U.S.C. § 551(c)(2)(B).

IT IS FURTHER ORDERED THAT any information disclosed to Plaintiffs in response to the Rule 45 subpoena may be used by Plaintiffs solely for the purpose of protecting Plaintiffs' rights under the Copyright Act.

DATED: \_\_\_\_\_

By: \_\_\_\_\_  
United States District Judge